

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

TONY SOWELL,	§	
Petitioner,	§	
	§	
VS.	§	CIVIL ACTION NO.4:13-CV-290-Y
	§	
RODNEY W. CHANDLER, Warden,	§	
FCI-Fort Worth,	§	
Respondent.	§	

ORDER ADOPTING
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Tony Sowell under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on December 26, 2013; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on January 3, 2014.

The Court, after **de novo** review, concludes that the Petitioner's objections must be overruled, and that the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be denied, for the reasons stated in the magistrate judge's findings and conclusions, and as noted herein.

Sowell continues to object and contest to the alleged failure of BOP officials to counsel him when he withdrew from the GED program in November 1999, on the fact that he would be subject to earning only 42 days of good time each year instead of the 54 days if he completed the GED program. But the magistrate judge adequately considered Sowell's arguments regarding any conflict or inadequacy in the records, and rejected them. The magistrate judge properly noted that the BOP Sentry records on Sowell's inmate

education data show that Sowell enrolled and withdrew from the GED program on numerous occasions. (Appendix to Chandler's Response [Chandler Appendix] at 11-13, 17.) Along with this information, the BOP provided the declaration of Randy Treadway, the Supervisor of Education at FCC--Oakdale, where Sowell was housed for many of these instances, informing that routine procedures included unit team meetings with an inmate to provide counseling on the ramifications of withdrawal from the GED program. (Chandler Appendix at 61-62.) Thus, Sowell's objections are overruled and his request for an evidentiary hearing is denied.

Furthermore, as noted by the respondent and the magistrate judge, Sowell has no liberty interest in the loss of ability to earn an additional 12 days per year of good-time credit, and even if so, the BOP provided him all of the process he was due because he was afforded the opportunity to contest the denial of the additional good-conduct time at all stages of the administrative remedy process.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Tony Sowell's petition for writ of habeas corpus under 28 U.S.C. § 2241 is DENIED.

SIGNED January 15, 2014.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE